

Cerf discloses a communication system including mobile units distributed within a wireless communication network, which are connected to a packet switched network (See Cerf Abstract).

Bottum discloses a method and apparatus for providing asynchronous audio data to a mobile interactive radio (See Bottum Abstract).

Claim 1, (as amended), recites a system for communicating selected information to an electronic device. The system includes, in addition to other elements, **a digital engine operable to maintain data associated with selectable audio information, the audio information including an audio file.** The system further includes **a communication engine communicatively coupled to the digital engine, the communication engine operable to initiate wireless communication of the data to the electronic device and an interface [that] operates in a web browsing environment and wireless communication [that] operates outside the browsing environment.**

Applicants respectfully submit that Cerf and Bottum fail to disclose each and every element of Applicants' invention as amended. Cerf and Bottum fail to teach (and disclose) **a digital engine operable to maintain data associated with selectable audio information, the audio information including an audio file.** Further, Cerf and Bottum fail to teach (and disclose) **an interface [that] operates in a web browsing environment and wireless communication [that] operates outside the browsing environment.** The Examiner states that Cerf discloses each and every element of Claim 1. However, Cerf discloses an Internet radio for listening to 'live radio programs' (See Cerf Col 4, lines 7-17) and Bottum discloses an apparatus for providing 'asynchronous audio data' (See Bottum Abstract). Neither Cerf nor Bottum disclose providing **a digital engine operable to maintain data associated with selectable audio information, the audio information including an audio file.** Additionally, neither Cerf nor Bottum disclose **an interface that can provide available information to a user of a communication network and can receive an input from the user identifying a selected portion of information.**

Moreover, neither Cerf nor Bottum disclose a system that operates in two distinct environments. Certainly, Cerf and Bottum fail to disclose **an interface [that] operates in a web browsing environment and a wireless communication [that] operates outside the**

browsing environment. As such, Cerf and Bottum fail to disclose the recited limitations and, therefore, cannot anticipate Claim 1.

Claim 11, (as amended), recites a method for communicating selected audio information to an electronic device. The method includes, in addition to other elements, **presenting information associated with audio information within an interface associated with a communication network, receiving an input from a user identifying the selected information and receiving an input from a user identifying the electronic device.**

Applicants respectfully submit that Cerf and Bottum fail to disclose each and every element of Applicants' invention as amended. Cerf and Bottum fail to teach (and disclose) **presenting information associated with audio information within an interface associated with a communication network, receiving an input from a user identifying the selected information and receiving an input from a user identifying the electronic device.** The Examiner states that each element is disclosed or taught within Cerf (Col 6 lines 19-22, Col 5 line 66 – Col 6 line 5, Col 6 lines 10-14) and Bottum (Col 3 line 54- Col 4 line 16). However, all elements are not present within Cerf or Bottum. For example, neither Cerf nor Bottum teach **receiving an input from a user identifying the electronic device.** Cerf discloses “...a type of plan [that] may be determined from a table stored within a proxy server” (see Cerf Col 6 lines 10-14). Determining a type of plan from a table is not equivalent to **receiving an input from a user identifying the electronic device** as recited in Claim 11. Additionally, Bottum discloses “receiving instructions from a user” (see Bottum Col 3 line 54 – Col 4 line 16) but fails to disclose **receiving an input from a user identifying the electronic device** as recited in Claim 11. As such, Cerf and Bottum fail to teach and disclose the recited limitations and, therefore, cannot anticipate Claim 11.

Claim 16, (as amended), recites an electronic device for receiving selected audio information via wireless communication. The electronic device includes, in addition to other elements, a **communication module operable to receive wireless communication, low-power RF communication module, a storage medium operable to store selected audio information that comprises an audio file, and a display operable to display a web browser within a user interface.** Applicants respectfully submit that Bottum fails to disclose each and every element of Applicants' invention as amended. Bottum fails to teach

(and disclose) each of the above cited limitations. Bottum discloses providing asynchronous audio data to a mobile interactive radio -- not a **communication module** and a **low-power RF communication module**. In light of these and other failings in the Bottum disclosure, Bottum cannot anticipate Claim 16.

As discussed above, Cerf and Bottum fail to disclose the recited limitations and, therefore, cannot anticipate amended Claims 1, 11, and 16. Given that Claims 4-10 depend from Claim 1, Claims 13-15 depend from Claim 11, and Claims 18-21 and 23 depend from Claim 16, Applicants respectfully submit that Claims 4-10, 13-15, 18-21, 23 are allowable. As such, Applicants respectfully request that the Examiner withdraw the rejections and allow Claims 1, 4-10, 11, 13-15, 16, 18-21, and 23.

Rejections under 35 U.S.C. §103(a)

Claims 4-10 and 15-23 stand rejected by the Examiner under 35 U.S.C. § 103(a) as being unpatentable over Cerf. Additionally, Claims 4-10, 15 and 23 stand rejected by the Examiner under 35 U.S.C. § 103(a) as being unpatentable over Bottum.

Applicant respectfully traverses this rejection. According to the Manual of Patent Examining procedure:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

Manual of Patent Examining Procedure, § 2143.

The above rejection is improper for the following reasons. First, the proposed combination does not teach or suggest every limitation of the claimed invention. In order to make obvious Applicants' claimed invention, the references cited by the Examiner must disclose all claimed limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A.

1974). As explained above, neither Cerf nor Bottum disclose all the claimed limitations. Second, there is no motivation to combine Cerf with 'ordinary skill in the art' to make obvious the Applicants' claimed invention. Additionally, there is no motivation to combine Bottum with 'ordinary skill in the art' to make obvious the Applicants' claimed invention.

Cerf discloses a communication system including mobile units distributed within a wireless communication network which are connected to a packet switched network (See Cerf Abstract). Bottum discloses methods and apparatus for providing asynchronous audio data to a mobile interactive radio (See Bottum Abstract).

As discussed above in the sections relating to the 102 rejection, Cerf and Bottum fail to teach all of the limitations of Claims 1, 11 and 16. For example, Claim 1, (as amended), recites a system for communicating selected information to an electronic device. The system includes, in addition to other elements, **a digital engine operable to maintain data associated with selectable audio information, the audio information including an audio file.** The system further includes **a communication engine communicatively coupled to the digital engine, the communication engine operable to initiate wireless communication of the data to the electronic device and an interface [that] operates in a web browsing environment and the wireless communication operates outside the browsing environment.** Cerf and Bottum fail to teach each of these Claim1 limitations. As such, Neither Cerf nor Bottom, either alone or in combination with 'ordinary skill in the art' can render obvious Claims 4-10 which depend from Claim 1.

Claim 11, (as amended), recites a method for communicating selected audio information to an electronic device. The method includes, in addition to other elements, **presenting information associated with audio information within an interface associated with a communication network, receiving an input from a user identifying the selected information and receiving an input from a user identifying the electronic device.** As such, Neither Cerf nor Bottom, either alone or in combination with 'ordinary skill in the art' can render obvious Claim 15 which depends from Claim 11.

Claim 16, (as amended), recites an electronic device for receiving selected audio information via wireless communication. The electronic device includes, in addition to other elements, **a communication module and a low-power RF communication module.** Claim

16 also includes a **display operable to display a web browser within a user interface**. Cerf and Bottum fail to teach all of the limitations of Claim 16. As such, Neither Cerf nor Bottum, either alone or in combination with 'ordinary skill in the art' can render obvious Claim 23, which depends from Claim 16.

Applicants would also like to address the Examiner's rejection of Claims 8, 9, 10 and 23 directed towards using a high speed, low power communication module. The Examiner stated that one skilled in the art could implement using low power communication with the systems disclosed by either Cerf or Bottum. Conversely, each system disclosed by Cerf and Bottum specifically require the use of long range wireless communication (See Cerf Figure 2 and Bottum Col 2 line 64 – Col 3 line 20). Each system teaches away from using low power communication and would be rendered useless if a low power communication module was implemented. As such, neither Cerf nor Bottum, either alone or in combination with 'ordinary skill in the art' can render obvious Claims 8, 9, and 10 which depend from Claim 1 or Claim 23 which depends from Claim 16.

Accordingly, Applicants request the Examiner to withdraw the rejections to Claims 4-10, 15 and 23 under 35 U.S.C. §103(a).

CONCLUSION

Applicants have made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. Applicants respectfully request reconsideration of the rejection and allowance of Claims 1, 4-11, 13-16, 18-21, and 23, as amended. Applicants also request consideration and favorable allowance of newly added Claims 26-29 which depend from amended Claim 1, Claim 30 which depends from amended Claim 11, and Claims 30-33 which depend from Claim 16. Additionally, Applicants respectfully request expedient consideration and favorable allowance of newly added Claims 34-37.

The attached pages are captioned "**Version with Markings to Show Changes Made.**" Applicants believe that no further fee is due.

RESPECTFULLY SUBMITTED,

White et al.

Date: September 16, 2002

Russell White

10704 Redmond Rd.

Austin, Texas 78739

Telephone: (512) 301-5518

By: 

Kevin R. Imes

Reg. No. 44,795



VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS

Claims 2-3, 12, 17, 22, 24-25 have been withdrawn. Claims 1, 11, 13-14, 16, 19, and 23 have been amended as follows:

Sub B₁
a₁
1. **(Amended)** A system for communicating selected information to an electronic device, the system comprising:

a digital engine operable to maintain data associated with [selected] selectable audio information, the audio information comprising an audio file; [and]

a communication engine communicatively coupled to the digital engine, the communication engine operable to initiate wireless communication of the data to the electronic device[.];

an interface operably coupled to the digital engine to provide available information to a user of a communication network and to receive an input from the user identifying a selected portion of the selectable information; and

wherein the interface operates in a web browsing environment and the wireless communication operates outside the browsing environment.

2. **(Delete)** The system of Claim 1 further comprising an interface operably coupled to the digital engine, the interface operable to provide available information to a user of a communication network, and to receive an input from the user identifying the selected information.

3. **(Delete)** The system of Claim 2, wherein the interface operates in a browsing environment and the wireless communication operates outside the browsing environment.

4. The system of Claim 1, wherein the wireless communication comprises communication via a cellular communications network.

VERSION WITH MARKINGS TO SHOW CHANGES MADE

5. The system of Claim 4, wherein the cellular communication network comprises a global system for mobile communications network.

6. The system of Claim 5, wherein the global system for mobile communications network operates between about 1.7 GHz and 2.0 GHz.

7. The system of Claim 4, wherein the cellular communication network comprises a code-division multiple access network.

8. The system of Claim 1, wherein the wireless communication comprises communicating via a high-speed, low-power microwave wireless link.

9. The system of Claim 8, wherein the wireless link comprises a Bluetooth link.

10. The system of Claim 8, wherein the wireless link operates around 2.4 GHz.

VERSION WITH MARKINGS TO SHOW CHANGES MADE

11. (Amend) A method for communicating selected audio information to an electronic device, the method comprising:

maintaining data associated with the selected audio information using a digital engine; [and]

initiating wireless communication of the data to the electronic device[.];

presenting information associated with audio information within an interface associated with a communication network;

receiving an input from a user identifying the selected information; and

receiving an input from a user identifying the electronic device.

12. (Delete) The method of Claim 11 further comprising:

presenting information associated with audio information within an interface associated with a communication network; and

receiving an input from a user identifying the selected information.

13. (Amend) The method of Claim 11 further comprising[:]

presenting information associated with identifying the electronic device. [; and

receiving an input from a user identifying the electronic device.]

14. (Amend) The method of Claim 12 wherein the interface operates in a web browsing environment and the wireless communication operate outside the browsing environment.

15. The method of Claim 11 wherein the wireless communication comprises communicating via a cellular communications network.

VERSION WITH MARKINGS TO SHOW CHANGES MADE

16. **(Amend)** An electronic device for receiving selected audio information via wireless communication, the device comprising:

Sub C3 > a communication module operable to receive wireless communication of [the selected audio] information;

Q4 a low-power RF communication module operably coupled to a processor module;

a storage medium operably coupled to the high speed, low-power communication module, the storage medium operable to store selected audio information that comprises an audio file; [and]

a processor module coupled to the [communication module] storage medium, the processor module operable to process [the] received selected audio information[.]; and

a display operable to display a web browser within a user interface.

17. **(Delete)** The device as recited in Claim 16, wherein the communication module comprises a cellular modem.

18. The device as recited in Claim 16, wherein the device is a handheld computing device.

As 19. **(Amended)** The device as recited in Claim [18]16, wherein low power RF module outputs audio information indirectly to an audio speaker. [the handheld computing device is a personal digital assistant (PDA).]

20. The device as recited in Claim 16 further comprising software for processing the selected audio information.

21. The device as recited in Claim 16, wherein the communications module is operable to scan frequencies.

VERSION WITH MARKINGS TO SHOW CHANGES MADE

22. **(Delete)** The device as recited in Claim 16, further comprising a display operable to display a user interface.

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A6 G → 23. **(Amended)** The device ~~as recited~~ in Claim 16 wherein the high speed low-power communication module is operable with a 'Bluetooth' communication standard.

VERSION WITH MARKINGS TO SHOW CHANGES MADE

24. **(Delete)** A method for communicating selected audio information to an electronic device, the method comprising:

presenting information associated with audio information within an interface associated with a communication network;

receiving an input from a user identifying the selected information;

maintaining data associated with the selected audio information using digital engine; and

initiating wireless communication of the data to the electronic device.

25. **(Delete)** The method of Claim 24 wherein the interface operates in a browsing environment and the wireless communication operates outside the browsing environment.

VERSION WITH MARKINGS TO SHOW CHANGES MADE

PLEASE ADD THE FOLLOWING CLAIMS 26-37:

/ 26. (Add) The system of Claim 1 further comprising a wireless telephone.

Sub C6 > 27. (Add) The system of Claim 26 wherein the wireless telephone is operable to communicate with a low-power, highspeed wireless communication network.

/ 28. (Add) The system of Claim 1 wherein the audio information includes at least one of a WAV file, an MP3 file or a MIDI file.

97 ✓ 29. (Add) The system of Claim 1 wherein the audio information further comprises streaming audio information.

/ 30. (Add) The method of Claim 11 further comprising presenting the information in a web browsing environment.

Sub C7 > 31. (Add) The device as recited in Claim 16 further comprising a wireless telephone, wherein the information received by the communication module comprises a voice call.

/ 32. (Add) The device as recited in Claim 16 wherein the audio file includes at least one of a WAV file, an MP3 file or a MIDI file.

/ 33. (Add) The device as recited in Claim 32 wherein the audio information comprises streaming audio information.

VERSION WITH MARKINGS TO SHOW CHANGES MADE

34. (Add) An electronic device for communicating selected audio information via wireless communication, the device comprising:

a high speed, lower-power RF communication module operable to communicate about 2.4 GHz;

a storage medium operably coupled to the communication module, the storage medium operable to store the selected audio information; and

a processor module coupled to the communication module, the processor module operable to process the selected audio information;

35. (Add) The device as recited in Claim 34 further comprising a display operable to display a user interface operably associated with a web browsing environment.

36. (Add) The device as recited in Claim 35 further comprising a cellular phone operable to communicate with a cellular phone network.

37. (Add) The device as recited in Claim 35 wherein the cellular phone is operable to communicate the selected audio information.